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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,787	04/01/2004	Aharon Tavivian	004539.00016	4970
22907	7590	04/18/2005	EXAMINER	
BANNER & WITCOFF 1001 G STREET N W SUITE 1100 WASHINGTON, DC 20001			LE, HUYEN D	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,787

Applicant(s)

TAVIVIAN, AHARON

Examiner

Huyen Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-3,6,7,9 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 7, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavivian (WO 01/17411 A1).

The Tavivian reference discloses a variable angle connector profile for connecting a plurality of enclosure panels comprising a first end segment 16 having a first open channel 18 sized for receiving a first enclosure panel 12, a flexible middle segment 20 attached to the first end segment 16, and a second end segment 22 having a second open channel 24 sized for receiving a second enclosure panel 12, all three segments being co-extruded as a single integral linear unit, the first and second end segments 16,22 including surfaces adapted to abut each other and to delimit the extent of the segments towards each other in a first sense of swivel from a linear alignment of 180 degrees to a substantially perpendicular alignment of about 90 degrees, wherein one of the open channels includes a plurality of flexible projections extending into the open channel from each of the inner surfaces of the sidewalls of the open channel.

Although the Tavivian reference does not specifically disclose the middle segment of the connector profile has the operating life in excess of 10,000 bend cycles, tensile strength 2750 lbs/sq. in, an elongation about 350%, and a brittle point about -29

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degrees Celcius, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a connector profile having certain bend cycles, tensile strength, elongation and brittle properties in order to optimize its life and performance, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ (CCPA 1980).

Regarding claims 6 and 7, although the Tavivian reference does not explicitly disclose the thickness, the width and the length of the middle segment, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select certain dimensions within a certain range to best fit a particular design of the connector profile in order to optimize the performance. See In re Aller, 105 USPQ 233, using the optimum or workable ranges involves only routine skill in the art.

Allowable Subject Matter

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 12 is allowed.

Response to Arguments

5. The applicant's arguments filed with the Amendment on 01/19/2005 have been fully considered but they are not persuasive.

In regarding to the applicant's arguments that the WO '411 reference does not disclose a flexible hinged panel connector flexing in a first swivel direction and a second

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opposite swivel direction as recited in claim 1, the examiner respectfully disagrees with the applicant. The WO '411 reference does disclose a flexible middle segment (made of a flexible plastic material). With no other specific structures of the middle segment cited in the claims of the present invention differing from that of WO '41, the disclosed structure of the connector of WO '411 is capable of allowing the first and second segments to move repeatedly in a second opposite sense of swiveling away from the 180 degrees linear alignment and away from abutting surfaces to form a reflex angle for accordion-like folding, storage and transportation.

In regarding to the applicant's arguments that the WO' 411 does not disclose a middle section with specific combination of life cycle, tensile strength and percent elongation or render it obvious and does not provide a teaching for the dimensions, although the WO' 411 does not disclose a specific life cycle, tensile strength, percentage elongation and dimensions for the middle element, employ a middle segment with such elements would have been an obvious design choice because these element are mere physical properties deprived from a structure and a material made. Since the structure and material of the middle segment of the claimed invention are not different from the WO' reference, choosing a specific physical property elements for the middle segment would have obvious to one of ordinary skill.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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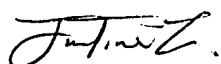
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HL
April 7, 2005


JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

4/14/05